

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JAY BONANZA BRILEY,

Plaintiff

v.

MS. SMIHAL, et al.,

Defendant

Civil Action No. 18-13889
(RMB)

OPINION

BUMB, District Judge

Plaintiff, incarcerated in the Federal Correctional Institution in Fort Dix, New Jersey ("FCI-Fort Dix"), filed this civil rights action on September 13, 2018. (Compl., ECF No. 1.) Plaintiff failed to pay the filing fee or submit an application to proceed without prepayment of fees ("*in forma pauperis*" or "IFP") under 28 U.S.C. § 1915(a). On January 18, 2019, this matter was temporarily closed pursuant to the Standing Order 18-4, which stayed cases having the United States or its agencies or employees as defendants, due to the Government shutdown. (Order, ECF No. 3.) Standing Order 18-4 has expired and the stay is lifted. The Court will reopen this matter.

Plaintiff has not yet paid the filing fee or applied for IFP status. On January 14, 2019, Plaintiff's mail was returned as undeliverable because he is no longer incarcerated in FCI Fort Dix. (ECF No. 2.) Plaintiff did not advise the Court of his new address.

I. DISCUSSION

Local Civil Rule 10.1(a) provides, in relevant part:

unrepresented parties must advise the Court of any change in their . . . address within seven days of being apprised of such change by filing a notice of said change with the Clerk. Failure to file a notice of change may result in the imposition of sanctions by the Court.

Dismissing a Plaintiff's complaint without prejudice is an appropriate remedy for noncompliance with this rule. See Archie v. Dept. of Corr., Civ. No. 12-2466 (RBK/JS), 2015 WL 333299, at *1 (D.N.J. Jan. 23, 2015) (collecting cases).

Mail sent to Plaintiff's last known address was returned. To date, Plaintiff has not informed the Court of his new address.

II. CONCLUSION

The Court will dismiss this case without prejudice pursuant to Local Rule 10.1. An appropriate order follows.

Dated: February 8, 2019

s/Renée Marie Bumb
RENÉE MARIE BUMB
UNITED STATES DISTRICT JUDGE